

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**UNITED STATES *ex rel.*
KEVIN N. COLQUITT**

Plaintiff,

v.

ABBOTT LABORATORIES, *et al.*

Defendants.

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Civil Action No. 3:06-cv-01769-M

DEFENDANTS' JOINT APPENDIX IN SUPPORT OF THEIR MOTIONS TO DISMISS

Pursuant to Local Rule 7.1(i) and the Court order granting Defendants' Motion for Leave to File Joint Appendix in Support of Defendants' Motions to Dismiss, Defendants Johnson & Johnson, Cordis Endovascular, and Cordis Corporation (collectively "Cordis Corporation"); Abbott Laboratories and Abbott Vascular Solutions, Inc., (collectively "Abbott"); Boston Scientific Corporation ("Boston Scientific"); and Guidant LLC (f/k/a Guidant Corp.) (hereinafter, "Defendants") hereby file this Joint Appendix of Exhibits in support of their respective Motions to Dismiss:

| TAB | DESCRIPTION OF DOCUMENT | BATES NOS. |
|------------|--|-------------------|
| 1 | Declaration of Michele L. Buenafe in Support of Defendant's Motion to Dismiss for Lack of Jurisdiction ("Decl.") | J.D.App. 001-012 |
| 1-A | Decl. Exhibit A: Transcript of FDA's Circulatory System Devices Advisory Panel Open Session, dated April 23, 2001, <i>available at</i> http://www.fda.gov/ohrms/dockets/ac/01/transcripts/3747t1.rtf | J.D.App. 013-243 |
| 1-B | Decl. Exhibit B: <i>United States ex rel. George v. Boston Scientific Corp. et al.</i> , No. 4:07-02467, United States' Statement of Interest in Resp. to Deft.'s Mot. to Dismiss Plf.'s First Am. Compl. (S.D. Tex. June 2, 2010) [Dkt No. 73] | J.D.App. 244-253 |

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| 1-C | Decl. Exhibit C: Article by S.P. Friedrich et al., titled <i>Investigational use of the Palmaz-Schatz biliary stent in large saphenous vein grafts</i> , published by The American Journal of Cardiology on Feb. 1993, available at http://www.sciencedirect.com | J.D.App. 254-256 |
| 1-D | Decl. Exhibit D: Article by S.C. Wong et al., titled <i>Comparison of clinical and angiographic outcomes after saphenous vein graft angioplasty using coronary versus 'biliary' tubular slotted stents</i> , published by Circulation in Jan. 1995, available at http://circ.ahajournals.org/cgi/content/full/91/2/339 | J.D.App. 257-284 |
| 1-E | Decl. Exhibit E: Article by G. Dorros and G. Joseph, titled <i>Closure of a popliteal arteriovenous fistula using an autologous vein-covered Palmaz stent</i> published in the Journal of Endovascular Surgery in May 1995, available at http://jevtonline.org/doi/pdf/10.1583/1074-6218%281995%29002%3C0177%3ACOAPAF%3E2.0.CO%3B2 | J.D.App. 285-289 |
| 1-F | Decl. Exhibit F: Article titled <i>J&J's S.M.A.R.T. Stent Journal Ad Implies Off-label Use - FDA Says</i> , published by The Gray Sheet on May 17, 1999, available at http://thegraysheet.elsevierbi.com | J.D.App. 290 |
| 1-G | Decl. Exhibit G: Article titled <i>FDA Off-label Use Concerns Focus on Biliary Stents, Mapping Catheters</i> , published by The Gray Sheet on June 7, 1999, available at http://thegraysheet.elsevierbi.com | J.D.App. 291-292 |
| 1-H | Decl. Exhibit H: Article titled <i>Off-label Dissemination Still Must Disclose Interest, Unapproved Status</i> , published by The Gray Sheet on Aug. 2, 1999, available at http://thegraysheet.elsevierbi.com | J.D.App. 293-294 |
| 1-I | Decl. Exhibit I: Article by S. Khanal et al., titled <i>Immediate and long-term results comparing coronary versus biliary tubular-slotted stents to treat old obstructed saphenous vein grafts</i> , published by Angiology in Aug. 2000 | J.D.App. 295-313 |
| 1-J | Decl. Exhibit J: Article titled <i>Intratherapeutics Intracoil PMA Foiled by Widespread Off-label Stenting</i> , published by The Gray Sheet on Apr. 30, 2001, available at http://thegraysheet.elsevierbi.com | J.D.App. 314-316 |
| 1-K | Decl. Exhibit K: Article titled <i>Peripheral Stent Study Design Panel, Endpoint Data Development Urged</i> , published by The Gray Sheet on Apr. 30, 2001, available at http://thegraysheet.elsevierbi.com | J.D.App. 317-318 |
| 1-L | Decl. Exhibit L: Article by Daniel A. Leung et al., titled <i>Selection of Stents for Treating Iliac Arterial Occlusive Disease</i> , published by the Journal of Vascular & Interventional Radiology in Feb. 2003 | J.D.App. 319-334 |
| 1-M | Decl. Exhibit M: Article by D.B. Abel, titled <i>Off-label Medical Device Use</i> , published by Endovascular Today in 2003, available at http://www.evtoday.com/FDA%20Articles/March2003.html | J.D.App. 335-337 |

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| 1-N | Decl. Exhibit N: Article titled <i>Cordis Announces Nationwide Recall of Revised Stent Instructions</i> , published by Pharmaceutical Processing on May 10, 2004, available at http://www.pharmpro.com/Archives/2004/05/Cordis-Announces-Nationwide-Recall-of-Revised-Stent-Instructions/ | J.D.App. 338 |
| 1-O | Decl. Exhibit O: Article titled <i>Warning on Using Cordis Biliary Stent in the Vascular System</i> , published by Medical News Today on July 11, 2004, available at http://www.medicalnewstoday.com/articles/10572.php | J.D.App. 339 |
| 1-P | Decl. Exhibit P: Article by S. Portnoy, titled <i>Advertising and Promotion of Medical Devices</i> , published by the Journal of Health Law in 2006, available at http://www.lexisnexis.com/ | J.D.App. 340-358 |
| 1-Q | Decl. Exhibit Q: Article by Kenneth J. Cavanaugh, titled <i>Evaluation of Renal Artery Stenting</i> , published by Endovascular Today in Sept. 2006, available at http://www.bmctoday.net/evtoday/2006/09/article.asp?f=EVT0906_16.php | J.D.App. 359-361 |
| 1-R | Decl. Exhibit R: Article titled <i>FDA Official Scolds Industry for Supporting Off-Label Use of Biliary Stents</i> , published by The Gray Sheet on Oct. 30, 2006, available at http://thegraysheet.elsevierbi.com | J.D.App. 362-363 |
| 1-S | Decl. Exhibit S: Article titled <i>FDA Rounds Up Biliary Stent Makers On Off-Label Promotion</i> , published by The Gray Sheet on Mar. 19, 2007, available at http://thegraysheet.elsevierbi.com | J.D.App. 364-365 |
| 1-T | Decl. Exhibit T: Article by A. Astor, titled <i>Biliary Stent Makers to Submit Plans for Curbing Off-Label Use</i> , published in Device & Diagnostics Letter on Mar. 23, 2007 | J.D.App. 366 |
| 1-U | Decl. Exhibit U: Article by E. Pringle, titled <i>Device Makers Profit by Promoting Biliary Stents for Dangerous Unapproved Uses</i> , published by LawyersandSettlements.com on May 16, 2007, available at http://www.lawyersandsettlements.com/articles/00893/biliary-stents.html | J.D.App. 367-369 |
| 1-V | Decl. Exhibit V: Article by J. Bridges & W. Maisel, titled <i>Malfunctions and Adverse Events Associated With Off-Label Use of Biliary Stents in the Peripheral Vasculature</i> , published by the American Journal of Therapeutics in 2008, available at http://journals.lww.com/americantherapeutics/Abstract/2008/01000/Malfunctions_and_Adverse_Events_Associated_With.4.aspx | J.D.App. 370-376 |
| 1-W | Decl. Exhibit W: Article by B. Feder, titled <i>Little Data on Stent's Most Common Use</i> , published in the New York Times on Jan. 21, 2008 | J.D.App. 377-378 |

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| 1-X | Decl. Exhibit X: Article titled <i>US DOJ Finally Cracks Improper Promotion of Biliary Stents – Boston Probed, Rivals Stay Silent</i> , published in Clinica on Mar. 7, 2008 | J.D.App. 379-381 |
| 1-Y | Decl. Exhibit Y: Article titled <i>Biliary Stent Survey</i> , published by The Gray Sheet on Apr. 7, 2008, <i>available at</i> http://thegraysheet.elsevierbi.com | J.D.App. 382 |
| 1-Z | Decl. Exhibit Z: Article by A. Yustein et al., titled <i>U.S. Food and Drug Administration and Off-Label Use of Expandable Metal Biliary Stents within the Peripheral Vasculature</i> , published by the Journal of Vascular and Interventional Radiology in July 2008, <i>available at</i> http://www.jvir.org/article/S1051-0443(08)00401-6/abstract | J.D.App. 383-387 |
| 1-AA | Decl. Exhibit AA: Section 510(k) Premarket Notification Clearance Letter for K980823 from FDA, CDRH to Cordis Corporation, dated Dec. 18, 1998, <i>available at</i> http://www.accessdata.fda.gov/cdrh_docs/pdf/K980823.pdf | J.D.App. 388-390 |
| 1-BB | Decl. Exhibit BB: Warning Letter from FDA's Office of Compliance to Cordis Corporation, dated Apr. 28, 1999, <i>available at</i> http://www.accessdata.fda.gov/cdrh_docs/pdf/K980823.pdf | J.D.App. 391-393 |
| 1-CC | Decl. Exhibit CC: 510(k) Summary and Clearance Letter for the Guidant MEGALINIK Biliary Stent, K991032, dated April 30, 1999, <i>available at</i> http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfPMN/pmn.cfm?ID=123061 | J.D.App. 394-398 |
| 1-DD | Decl. Exhibit DD: 510(k) Summary and Clearance Letter for the Guidant DYNALINK .035 Biliary Self-Expanding Stent System, K011881, dated July 18, 2001, <i>available at</i> http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfPMN/pmn.cfm?ID=4865 | J.D.App. 399-403 |
| 1-EE | Decl. Exhibit EE: Letter from P. Frappaolo to Guidant, dated Oct. 18, 2002 (2002 FDA letter to biliary stent manufacturers) | J.D.App. 404-405 |
| 1-FF | Decl. Exhibit FF: Letter from P. Frappaolo to Boston Scientific Corp., dated Oct. 18, 2002 (2002 FDA letter to biliary stent manufacturers) | J.D.App. 406-407 |
| 1-GG | Decl. Exhibit GG: FDA Recall Notice titled Biliary Stents Instructions for Use, Class I Recall, dated May 4, 2004, <i>available at</i> http://www.fda.gov/MedicalDevices/Safety/RecallsCorrectionsRemovals/ListofRecalls/ucm064818.htm | J.D.App. 408 |
| 1-HH | Decl. Exhibit HH: FDA Safety Alert titled Precise Rx Nitinol Stent Transhepatic Biliary Stent System issued in May 2004, <i>available at</i> http://www.fda.gov/Safety/MedWatch/SafetyInformation/SafetyAlertsforHumanMedicalProducts/ucm155674.htm | J.D.App. 409 |

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| 1-II | Decl. Exhibit II: Relevant excerpts from the Office of Device Evaluation Annual Report for Fiscal Year 2006 and Fiscal Year 2007, <i>available at</i> http://www.fda.gov/downloads/AboutFDA/CentersOffices/CDRH/CDRHReports/ucm127516.pdf | J.D.App. 410-417 |
| 1-JJ | Decl. Exhibit JJ: 510(k) Summary and Clearance Letter for the RX Herculink Elite Biliary Stent System, K063481, dated Sept. 14, 2007, <i>available at</i> http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfPMN/pmn.cfm?ID=23391 | J.D.App. 418-422 |
| 1-KK | Decl. Exhibit KK: Testimony before the U.S. Senate Special Committee on Aging by Daniel Schultz, Director, CDRH, FDA, dated September 17, 2008, <i>available at</i> http://www.fda.gov/NewsEvents/Testimony/ucm096272.htm | J.D.App. 423-425 |
| 1-LL | Decl. Exhibit LL: Boston Scientific Corp. Form 8-K, filed Jan. 27, 2006, <i>available at</i> http://www.sec.gov/Archives/edgar/data/885725/000110465906004363/0001104659-06-004363-index.htm | J.D.App. 426-520 |
| 1-MM | Decl. Exhibit MM: Boston Scientific Corp. Form 10-K, Exs. 10.47-10.50, filed Mar. 1, 2006, <i>available at</i> http://www.sec.gov/Archives/edgar/data/885725/000104746906002665/0001047469-06-002665-index.htm | J.D.App. 521-591 |
| 1-NN | Decl. Exhibit NN: Boston Scientific Corp. Form 8-K, filed Apr. 26, 2006, <i>available at</i> http://www.sec.gov/Archives/edgar/data/885725/000110465906027974/0001104659-06-027974-index.htm | J.D.App. 592-799 |
| 1-OO | Decl. Exhibit OO: Excerpts from the Am. Med. Ass'n, <i>Current Procedural Terminology</i> (2010 ed.) | J.D.App. 800-814 |
| 1-PP | Decl. Exhibit PP: Memorandum dated December 28, 1994 from Thomas A. Ault, Bureau of Policy Development, Health Care Financing Administration, to All Regional Administrators, titled <i>Medicare Coverage of Investigational Devices</i> | J.D.App. 815-826 |
| 1-QQ | Decl. Exhibit QQ: Memorandum dated February 14, 2008 from Steve Phurrough, Director, Coverage & Analysis Group, CMS, titled <i>Coverage Decision Memorandum for Percutaneous Transluminal Angioplasty (PTA) and Stenting of the Renal Arteries</i> (CAG-00085R4), <i>available at</i> http://www.cms.gov/MCD/viewdecisionmemo.asp?from2=viewdecisionmemo.asp&id=202& | J.D.App. 827-860 |

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| 1-RR | Decl. Exhibit RR: <i>CMS Manual System – Medicare National Coverage Determinations</i> , Pub. 100-03, National Coverage Determinations for Percutaneous Transluminal Angioplasty (20.7), v. 3 (Mar. 17, 2005), <i>available at</i> http://www.cms.gov/MCD/viewncd.asp?ncd_id=20.7&ncd_version=3&basket=ncd%3A20%2E7%3A3%3APercutaneous+Transluminal+Angioplasty+%28PTA%29 | J.D.App. 861-866 |
| 1-SS | Decl. Exhibit SS: <i>CMS Manual System – Medicare National Coverage Determinations</i> , Pub. 100-03, National Coverage Determinations for Percutaneous Transluminal Angioplasty (20.7), v. 6 (Feb. 14, 2008), <i>available at</i> http://www.cms.gov/mcd/viewncd.asp?ncd_id=20.7&ncd_version=6&basket=ncd%3A20%2E7%3A6%3APercutaneous+Transluminal+Angioplasty+%28PTA%29 | J.D.App. 867-874 |
| 1-TT | Decl. Exhibit TT: TriSpan Health Serv., <i>LCD for Outpatient Transcatheter Placement of Non-Coronary Artery Stents</i> (L1523) (effective June 24, 2002; rev. Mar. 8, 2005), <i>available at</i> http://coverage.cms.fu.com/mcd_archive/viewlcd.asp?lcd_id=1523&lcd_version=15&basket=lcd%3A1523%3A15%3AOutpatient+Transcatheter+Placement+of+Non%2DCoronary+Artery+Stents%3AFI%3ATriSpan+Health+Services+%2800230%29%3A | J.D.App. 875-885 |
| 1-UU | Decl. Exhibit UU: Palmetto GBA, <i>LCD for Non-Coronary Vascular Stents</i> (L6944) (effective Nov. 1, 2000; rev. Oct. 1, 2008), <i>available at</i> http://www.cms.gov/mcd/viewlcd.asp?lcd_id=6944&lcd_version=42&basket=lcd%3A6944%3A42%3ANon%2DCoronary+Vascular+Stents%3ACarrier%3APalmetto+GBA+%2800883%29%3A | J.D.App. 886-897 |
| 1-VV | Decl. Exhibit VV: Pinnacle Bus. Solutions, Inc., <i>LCD for Non-Coronary Vascular Stents</i> (L16150) (effective Apr. 15, 2004; rev. Nov. 1, 2004), <i>available at</i> http://coverage.cms.fu.com/mcd_archive/viewlcd.asp?lcd_id=16150&lcd_version=6&basket=lcd%3A16150%3A6%3ANon+Coronary+Vascular+Stents%3ACarrier%3APinnacle+Business+Solutions%7C%7C+Inc%2E+%2D+Arkansas+%2800520%29%3A | J.D.App. 898-905 |
| 1-WW | Decl. Exhibit WW: Wisc. Phys. Serv. Ins. Corp., <i>LCD for Non-Coronary Vascular Stents/ Endovascular Graft Placement</i> (L19692-L19695) (effective Mar. 1, 1998; rev. Apr. 16, 2008), <i>available at</i> http://coverage.cms.fu.com/mcd_archive/viewlcd.asp?lcd_id=19692&lcd_version=16&basket=lcd%3A19692%3A16%3ANon%2DCoronary+Vascular+Stents%2FEndovascular+Graft+Placement%3ACarrier%3AWisconsin+Physicians+Service+Insurance+Corporation+%2800951%29%3A | J.D.App. 906-929 |

Dated: July 16, 2010

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing has been served on all counsel of record via the Court's CM/ECF system on the 16th day of July, 2010.

/s/ Kathleen McDermott